

From: [Peterson, Lance](#)
To: [Cora, Lori](#)
Subject: FW: OPR ODEQ letter
Date: Monday, April 13, 2015 2:03:57 PM

Hi Lori, here's the DEQ e-mail you had trouble opening.

Lance

From: MCCLINCY Matt [mailto:MCCLINCY.Matt@deq.state.or.us]
Sent: Monday, February 24, 2014 1:32 PM
To: 'Sheldrake, Sean'
Cc: Peterson, Lance; Cora, Lori; OBRIEN Audrey
Subject: RE: OPR ODEQ letter

Sean,

On pages 5 – 8 of their January 24, 2014 letter, LSS is disputing EPA's interpretation of the DEQ's Nov. 2008 letter which you outline in your September 18, 2013 clarification. DEQ's feedback is:

1. If the dredged sediment is managed in-water, subject to the restrictions identified, the dredged sediment is not hazardous waste.
2. If the dredged sediment is managed upland, characterization is needed to verify if hazardous waste rules apply.

DEQ does not read LSS's Jan 14, 2014 letter as disputing the need to characterize the sediment. On page 8 of their letter, LSS notes that the "waste characterization program will include all necessary testing to determine if the sediment is a RCRA characteristic hazardous waste". LSS also needs to determine if the sediment is an Oregon defined hazardous waste.

As previously noted, it is understood that sediment adjacent to Arkema contains DDT-manufacturing waste (i.e., pesticide residue). DEQ interprets this to mean that sediment adjacent to the site contains a pesticide residue if the DDX concentrations are above anthropogenic background levels in upstream sediments. Existing EE/CA sediment characterization data is probably sufficient to make this determination.

You ask the question, is DEQ's position that if dredged material from Arkema is to be disposed of in an upland landfill, they will need to sample it, characterize it and if it meets the State's definition of a Pesticide Residue then it will need to be disposed of in a RCRA C landfill?

Oregon Administrative Rules 340-109 address management of hazardous waste

containing pesticide residues. If the pesticide residue is to be managed in a landfill, per OAR 340-109-0010(4)(a) it has to be managed in a RCRA Subtitle C hazardous waste facility meeting the requirements of Division 100 to 106 and 142; or

(b) A permitted RCRA Subtitle D facility meeting the requirements of OAR 340 Division 94 provided either the applicable land disposal concentration-based standards in 40 CFR 268.40 are met for waste pesticide containing any pesticide active ingredients(s) listed in 40 CFR 261.33(e) and (f), or if standards do not exist, the waste do not fail the "Department of Environmental Quality Aquatic Toxicity Test," whereby a representative sample of a pesticide residue exhibits a 96-hour aquatic toxicity LC 50 equal to or less than 250 mg/L.

I am around this afternoon. Let me know if you have any questions.

Matt McClincy
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From: Sheldrake, Sean [<mailto:sheldrake.sean@epa.gov>]
Sent: Monday, February 24, 2014 9:20 AM
To: MCCLINCY Matt
Cc: Peterson, Lance (PetersonLE@cdmsmith.com); Cora, Lori
Subject: OPR ODEQ letter

Good morning Matt,

Thanks for your recent letter on the OPR issue at Arkema. Unfortunately it looks like it says the same things as your earlier letter and doesn't address LSS' dispute issue regarding future characterization if the pesticide residue waste if managed upland. Is DEQ's position that if dredged material from Arkema is to be disposed of in an upland landfill, they will need to sample it, characterize it and if it meets the State's definition of a Pesticide Residue then it will need to be disposed of in a RCRA C landfill? Can you see if we can get a written position addressing the issue of what characterization the state law requires for upland disposal?

Much appreciated.

Fyi, first informal dispute meeting tomorrow with LSS.

S

Sean Sheldrake, Unit Diving Officer, RPM
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